

REMARKS

Upon entry of the present amendment: (i) claims 1-32 and 47-51 are pending; (ii) claims 1, 4, 5, 15-19, 26-30 and 32 are amended by this amendment; (iii) claims 2-14, 20-25 and 47-50 (confirm 18 & 32) remain as recited prior to this Amendment; and (iv) claim 51 is a new claim added by this Amendment. As explained in more detail below, the amendments to claims 1, 16 and 28 are made to overcome the Examiner's prior art based rejection. For the reasons explained below, it is respectfully submitted that all of the pending claims are patentable.

I. Support For Claim Amendment(s) And New Claim(s)

Support for any claim amendment(s) and new claim(s) is provided below in table form:

Claim	Exemplary Support In Specification as Originally Filed
1	Page 7, lines 2-3
16, 17, 19, 26,27	Claim 17 (as filed)
28	Page 7, line 2
29	Page 7, lines 2-3
51	Page 11, lines 28-29

II. Anticipation Rejection Based On Rozon

The Office Action rejects pending claims 1-32 and 47-50 under 35 U.S.C. 102(b) as being anticipated by U.S. patent 5,993,983 to Rozon ("Rozon"). Rozon is directed to a personal and portable power supply device for recharging a battery that supplies electrical energy for the electrical sub-systems of a vehicle driven into motion by an internal combustion motor. As explained below, the now-pending claims of this application all include features to distinguish the present invention from Rozon as 35 U.S.C. 102(b) requires.

A. Claim 1 And Its Dependent Claims

Claim 1 has been amended to include in its body “an electrical motor” that is “structured and located to drive a vehicle into motion.” Rozon does not teach or suggest a vehicle propelled (at least in part) by an electric motor as recited in the quoted claim language. Rather, Rozon deals with a power supply for use with the more traditional, more common internal combustion vehicle. For example, Rozon states: “When the portable power supply is used to start the engine of a motor vehicle, a large amount of current is needed over a very short time period” (Rozon at col. 1, line 43); and “the portable power supply may be used . . . to start an automobile and then [leave it to] idle for several hours.” (Rozon at col. 4, lines 50-55.) The power supplies dealt with in Rozon therefore merely start an internal combustion engine and do not drive the vehicle as recited in claim 1. The motor vehicles are internal combustion vehicles; the vehicles of claim 1 are electric vehicles. That is why, it is respectfully submitted, claims 1-15 (as amended) are not anticipated by Rozon.

B. Claim 16 And Its Dependent Claim(s)

Claim 16 is directed to an energy storage device and has been amended to recite that “the rechargeable battery comprises an electrochemical cell of a type selected from the following types: non-aqueous lithium ion, polymer lithium ion, lithium air and sodium sulfur.” This is not taught or suggested by Rozon. Rozon discloses the following electrochemical cell types: lead acid, nickel cadmium, lithium, and metal hydride. Rozon discloses only cell types other than those recited in claim 16. That is why claims 16-27 (as amended) are not anticipated by Rozon.

C. Claim 18

Claim 18 (as amended) further recites that “the rechargeable electrical device is selected from high-rate lithium batteries, lithium-ion batteries, high rate nickel aqueous batteries and nickel alloy hybrid batteries.” This is not taught or suggested by Rozon. Rozon discloses the following electrochemical cell types: lead acid, nickel cadmium, lithium, and metal hydride. Rozon discloses only cell types other than those recited in claim 18 (as amended). That is a further reason why claims 18 (as amended) is not anticipated by Rozon.

D. Claim 28 And Its Dependent Claim(s)

Claim 28 has been amended to recite a method including “charging a non-portable rechargeable energy battery. This is not taught or suggested by Rozon. Rozon is clearly and explicitly limited in scope of disclosure to a “portable power supply.” That is why claims 28-32 are not anticipated by Rozon.

E. Claim 29 And Its Dependent Claim(s)

Claim 29 (as amended) further recites “securing the non-portable rechargeable battery to an electric vehicle.” This is not taught or suggested by Rozon. That is a further reason why claims 29-31 (as amended) are not anticipated by Rozon.

F. Claim 32

Claim 32 is not anticipated by Rozon for further reasons similar to those discussed above in connection with claim 16.

G. Claim 47 And Any Dependent Claims

Claim 47 is directed to and recites “wherein the motor, the first battery and the second battery are all fixed to the vehicle housing so that the first battery is spatially proximate to the motor and the second battery is spatially remote from the motor.” This is not taught or suggested in Rozon. Rather, Rozon teaches that its first and second batteries are placed right next to each other in a single portable assembly, rather than at mutually distant locations as recited in claim 47. (See Rozon at Fig. 1.) That is why claims 47-50 are not anticipated by Rozon.

III. Double Patenting

The Office Action states that the 10/106,782 application “anticipates” the claims of the present application as pending prior to entry of the present Amendment (the “Previously Pending CIP Claims”). Applicant understands this to mean that the Examiner feels that the Previously Pending CIP Claims are all entitled to the priority date of the 10/106,782 application. Applicant is basically willing to acquiesce in such a determination and execute a Terminal Disclaimer on that basis. However, in the interests of establishing a clear prosecution history, applicant prefers to delay the Terminal Disclaimer until the process of amending claims is finished in the present application so that the Examiner can determine whether the final version of the claims in this application are still anticipated for purposes of the Double Patenting rejection.

If the amended claims presented herein are still anticipated by the 10/106,782 application (as the Previously Pending CIP Claims were), then applicant is willing to execute a Terminal Disclaimer to eliminate the Double Patenting issue. If the Examiner feels that a Terminal Disclaimer would be helpful prior to the next Paper issued on this application, then the Examiner is encouraged to call the undersigned at 1-416-961-5000 so that a Terminal Disclaimer can be quickly supplied and so that Double Patenting issues do not delay an allowance on this application.

IV. Newly-Added Claim 51

Newly added claim 51 recites “a motor structured and located so that operation of the motor can drive the vehicle into motion, with the motor comprising a regenerative braking portion structured to supply electrical power through regenerative braking.” Claim 51 has further language concerning power flow from the regenerative brakes to the batteries. Rozon does not teach or suggest regenerative braking. For this reason, it is respectfully submitted that claim 51 is patentable over Rozon.

V. Conclusion

It is submitted that the foregoing amendments and/or explanations are sufficient to put this application in condition for allowance (subject to the resolution of the provisional Double Patenting rejection as discussed above). If the Examiner disagrees, the Examiner is encouraged to call the undersigned at 1-416-961-5000 to expeditiously resolve any outstanding issues.

A one month extension of time request and associated fee is concurrently submitted herewith. It is hereby petitioned under 37 CFR 1-1336 that the response term of this application be extended, as necessary, to permit entry of the present amendment. The Commissioner is hereby authorized to charge any necessary extension fee to deposit account no. 18-1350, under an order number corresponding to attorney docket number P63902.

It is submitted that the foregoing amendments are such as to comply with the formal matters raised in the Official Action and this application is in a condition for allowance.

If for any reason the Examiner is of the view that this application is not in a condition for allowance, the Examiner is requested to telephone the undersigned at 1-416-961-

5000 so that an interview or telephone conference may be arranged to expedite allowance of this case.

It is hereby petitioned under 37 CFR 1-1336 that the response term of this application be extended, if necessary, to a date which would include the filing date of the present amendment and the Commissioner is hereby authorized to charge any necessary extension fee to deposit account no. 18-1350, under an order number corresponding to attorney docket number P63902.

Favourable consideration and disposition is respectfully requested.

Respectfully requested

**DASGUPTA, Sankar; JACOBS, James K.; and
BHOLA, Rakesh**

By: 

Jeffrey Pervanas
Reg. No. 41,543

JP/cbo
Encl.
Ret. Ack. Card